

PROB 12C
(7/93)

FILED

DEC 18 2023

FILED

UNITED STATES DISTRICT COURT

January 08, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

for

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY SL

DEPUTY CLERK

WESTERN DISTRICT OF TEXAS

BY: SL
DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Austin Case #: 1:24-mj-00006-SH

Name of Offender: Anthony Tremel Smith Case Number: DR:21-CR-01493(1)-AM
 Name of Sentencing Judicial Officer: Honorable Alia Moses, Chief United States District Judge
 Date of Original Sentence: May 6, 22
 Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324
 Original Sentence: 15 months' imprisonment followed by a three-year term of supervised release
 Type of Supervision: Supervised Release Date Supervision Commenced: October 5, 2022
 Assistant U.S. Attorney: Michael Gene Schneider Defense Attorney: Juan Neri, III (AFPD)

PREVIOUS COURT ACTION

On July 5, 2023, a Probation Form 12A was filed with the Court to address drug use, failure to submit to random drug testing, and delinquent payments towards his fine. No action was taken.

On September 25, 2023, a Probation Form 12A was filed with the Court to address continued drug use and failure to pay his delinquent payments towards his fine. No action was taken.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

A true copy of the original, I certify.
 Clerk, U.S. District Court

By: Benita Alarid

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Special Condition: The defendant shall abstain from the use of alcohol and any and all intoxicants.
2.	Special Condition: The defendant shall submit to substance abuse testing to determine if the defendant has used prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.

On June 6, 2023, and June 12, 2023, the defendant submitted to random drug testing. Said tests returned positive for fentanyl. On August 30, 2023, the defendant submitted to random drug testing. Said test returned positive for cocaine. On December 7, 2023, the defendant submitted to a random

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drug test. Said test returned positive for opiates.

On March 16, 2023, May 31, 2023, and June 28, 2023, the defendant failed to report for random drug testing.

The defendant has submitted diluted specimens on the following dates: November 16, 2023; November 27, 2023; and December 4, 2023.

On December 13, 2023, the defendant failed to submit to a random drug test during a home inspection. He was instructed to report to the office to submit a drug test. He then reported to the office with a device to tamper with the urine collection methods. It should be noted that the defendant verbally reported taking hydrocodone and did not want to test positive for said narcotic that he does not have a prescription for. Additionally, he refused to sign the chain of custody and admission form.

3. **Mandatory Condition No. 8: The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.**

The defendant was ordered to pay a \$100 special assessment. To date, the defendant has yet to make a single payment.

4. **Standard Condition No. 14: If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.**

The defendant was ordered to pay a \$1,500 fine at the rate of \$55 per month, beginning 60 days after the commencement of his term of supervision. To date, the defendant has yet to make a single payment.

U.S. Probation Officer Recommendation: The defendant has demonstrated a pattern of continued noncompliance and continues to use illicit drugs. Due to his continued noncompliance, it is respectfully recommended that a warrant be issued for the defendant's arrest, and his term of supervised release be revoked.

The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for ___ years for a total term of ___ years
- ☐ The conditions of supervision should be modified as follows:

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Approved:



Hector J. Garcia
Supervising U.S. Probation Officer

Respectfully Submitted,



Nickalous D. Wisner
U.S. Probation Officer,
Date: December 15, 2023
Telephone #: 512-954-4305

Approved:



James T. Ward
Supervisory Assistant U.S. Attorney

cc: Andrew Gonzalez
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$10,000 cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a SUMMONS.
- ☐ Other _____



Honorable Alia Moses
Chief U.S. District Judge

December 15, 2023

Date

FD# 11324106

UNITED STATES DISTRICT COURT

for the
Western District of TexasUnited States of America
v.

ANTHONY TREMEL SMITH

Defendant

Case No. DR-21-CR-1493 (01)

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) ANTHONY TREMEL SMITH,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

PLEASE SEE ATTACHMENT **U.S. MARSHALS SERVICE
RECEIVED**

DEC 19 2023

DEL RIO, TX

A true copy of the original, I certify.
Clerk, U.S. District CourtBy: AD
Diana A. SmithDate: 12/18/2023City and state: Del Rio, TexasBail fixed at \$: NO BONDA. Ortega

Issuing officer's signature

A.L. Ortega, Operations Support Clerk

Printed name and title

Chief U.S. District Judge Alia Moses

Judicial Officer's Name

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title